

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

ABDELRAHIM AYYAD,

Petitioner

v.

WARDEN DAVID ORTIZ,

Respondent

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Civ. No. 19-17759 (RMB)

MEMORANDUM AND ORDER

BUMB, United States District Judge

This matter comes before the Court upon Petitioner Abdelrahim Ayyad's petition for writ of habeas corpus under 28 U.S.C. § 2241. (Pet., ECF No. 1.) Petitioner challenges the Bureau of Prisons' ("BOP") application of a greatest severity level public safety factor to his custody classification. (Id.) Petitioner has not paid the \$5.00 filing fee required to file an application for a writ of habeas corpus.¹ Therefore, the Court must administratively terminate this action.

While Petitioner may reopen this action by paying the filing fee, the Court lacks jurisdiction under 28 U.S.C. § 2241 to review the Bureau of Prison's application of a public safety factor to a

¹ See 28 U.S.C. § 1914(a).

custody classification. See Briley v. Warden Fort Dix FCI, 703 F. App'x 69, 71 (3d Cir. 2017) (per curiam) (prisoner's claims regarding security level were not cognizable under § 2241); Marti v. Nash, 227 F. App'x 148, 150 (3d Cir. 2007) (per curiam) (a prisoner has no Due Process right to any particular security classification); Day v. Nash, 191 F. App'x 137, 139 (3d Cir. 2006) (per curiam) (there is no Due Process liberty interest in prison security classification). If Petitioner reopens this matter, the Court would dismiss the petition for lack of jurisdiction.

IT IS therefore on this 3rd day of December 2019,

ORDERED that the Clerk shall administratively terminate this action; subject to reopening if Petitioner pays the \$5.00 filing fee within 30 days of the date of entry of this Order; and it is further

ORDERED that the Clerk shall close this matter; and it is further

ORDERED that the Clerk shall serve of copy of this Order on Petitioner by regular U.S. mail.

s/Renée Marie Bumb
RENÉE MARIE BUMB
UNITED STATES DISTRICT JUDGE